

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE
DIVISION 3: FIRE PROTECTION AND EXPLOSIVES AND HAZARDOUS MATERIALS
Chapter 7 - CUPA PERMIT ELEMENTS FOR HAZARDOUS MATERIALS.

Articles:

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- Article 2. Underground Storage Tanks CUPA Program Element.
- Article 3. Hazardous Material Release Response Plans and Inventories CUPA Program Element.
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Article 1. Hazardous Waste Generators and Hazardous Waste On-Site Treatment CUPA Program Element.

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23.0710 Authority.

California Health and Safety Code Section 25404(c)(1) is enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0711 Definitions.

(a) "Generator" means any person, business or entity, by site, whose act or process produces hazardous waste identified or listed in Title 22 of the California Code of Regulations. Generator includes:

(1) "hazardous waste generator" means any person or business that produces or generates a hazardous waste in any quantity;

(2) "limited quantity hazardous waste generator" means any person or business that generates a hazardous waste in quantities equal to or less than 5 gallons or 50 pounds per month; and

(3) "special hazardous waste generator" means any person or business that only generates and completely recycles one or more of the following hazardous wastes: used oil, waste ethylene glycol automotive antifreeze, waste dry cleaning solvents

and solids, waste silver and silver containing solutions from photo imaging, and waste non-halogenated automotive parts cleaning solvents.

(b) "Hazardous Waste" means any waste or mixture of wastes that is toxic, corrosive, flammable, an irritant, a strong sensitizer or that generates pressure through decomposition, heat or other means, if such waste or mixture of wastes may cause substantial injury, serious illness or harm to human health and safety or the environment, domestic livestock or wildlife. It shall also include all wastes so defined by the California Health and Safety Code (including but not limited to Sections 25115, 25117, and 25316), and all hazardous wastes listed or defined in the California Code of Regulations Title 22.

(c) "On-Site Treatment" means treatment of hazardous waste at the facility at which the hazardous waste is produced. One or more of the following Tiered Permits as defined in Section 25110 et seq. of the California Health and Safety Code, are required for on-site treatment:

- (1) conditional authorization (CA)
- (2) conditional Exemption (CE)
- (3) permit-by-rule (PBR)

(d) "Transporter Facility" means an approved commercial location at which hazardous waste is stored for periods of less than ninety-six (96) hours prior to delivery to a permitted treatment, storage or disposal facility.

(e) "Treatment" means any method, technique, or process that is not otherwise excluded from the definition of treatment by Section 25123.5 of the California Health and Safety Code, and that is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or that removes or reduces its harmful properties or characteristics for any purpose. Treatment does not include the removal of residues from manufacturing process equipment for the purposes of cleaning that equipment.

Ordinance 3846 (2002);

23.0712 Permits Required.

(a) In addition to the requirements of Section 23.0602 of this Code, permits and fees shall also apply to all construction, modification, remodel and repair activities relating to any hazardous waste generation, production, storage, transportation or treatment.

(b) In addition to the requirements of Section 23.0602(c) of this Code, the following information is required:

- (1) the name, address and telephone numbers of all operators and/or owners of any transporter facility.
- (2) the site address where hazardous waste is generated or produced if different from the facility address.
- (3) a listing of the types of hazardous waste generated, the volume of each type of hazardous waste generated on a monthly basis, and the method by which each type of hazardous waste is treated, recycled or disposed of at each location.
- (4) names of all haulers and/or recyclers.
- (5) a production process flow chart, that shall list all hazardous materials and how they are used in each production process, what products are produced, what hazardous and non-hazardous wastes are generated and the type and quantity of all

solvents and any other substances used in all maintenance/clean-up activities related to each production process.

(6) as a condition of any permit to generate or produce hazardous waste, the permittee shall prepare a Contingency Plan as defined in Section 66260.10 and Section 66265.50 et seq. of Title 22 of the California Code of Regulations and shall notify the Division of any changes in hazardous waste produced and/or production processes.

(7) as a condition of any permit for on-site treatment of hazardous waste, the permittee shall complete and submit an Onsite Hazardous Waste Treatment Notification Form.

Ordinance 3846 (2002);

23.0713 Requirements - General.

(a) All requirements of Title 22, California Code of Regulations that implement the requirements of Section 25100 et seq., of the California Health and Safety Code, must be complied with, including but not limited to the management, determination, identification, analysis, storage, labeling, containment, treatment, reporting, manifesting, transportation and disposal of hazardous waste, and/or waste oil, and/or waste oil filters, and/or waste lead acid batteries; and including the requirements regarding personnel/training records and hazardous waste contingency plans.

(b) Except as provided in Section 25160 et seq., of the California Health and Safety Code, it is unlawful for any person to transport hazardous waste unless registered with the Department of Toxic Substances Control as a Hazardous Waste Transporter. Such registration shall be in the possession of the transporter when transporting hazardous waste.

Ordinance 3846 (2002);

23.0714 Orders Specifying Compliance Or Correction; And Orders To Cease And Desist, Remediate, Or Mitigate Disposal Of Hazardous Waste.

(a) Whenever the Department, Chief or Investigative Officer of the Division of Hazardous Materials determines that any person has violated, is in violation of, or threatens to violate those laws and regulations that fall within the Department's scope of authority pursuant to Section 25100 et seq. of the California Health and Safety Code (Hazardous Waste Control), or the Department, the Chief or Investigative Officer determines there has been a release as defined in Section 25300 et seq. of the California Health and Safety Code of hazardous waste or constituents into the environment from a hazardous waste facility, the Department, the Chief or Investigative Officer may issue an order requiring a correction of the violation, and specifying a schedule for compliance or correction.

(b) Whenever the Department, Chief or Investigative Officer of the Division of Hazardous Materials determines that any person is disposing or has illegally disposed of a hazardous waste or hazardous material to the air, soil, or waters within its jurisdiction, the Department, Chief or Investigative Officer may issue to the person an order to cease and desist from disposing of the hazardous materials and/or hazardous waste, or to

remediate, cleanup, or mitigate such a disposal. Failure to comply with the order is a violation of Chapter 7 of Division 3 of Title 2, and is punishable as set forth in Section 23.0715 of this Code.

(c) The person ordered to comply may request a hearing pursuant to Section 25187 of the California Health and Safety Code. If the Department finds that the violation associated with any provision of the order poses an imminent and substantial endangerment to the public health or safety or the environment, a request for a hearing shall not stay the effect of that provision of the order.

Ordinance 3846 (2002);

23.0715 Administrative Penalties and Administrative Due Process.

(a) Unless otherwise provided, any person in violation of Article 1 of Chapter 7 of Division 3 of Title 2 of the San Bernardino County Code shall be subject to an administrative penalty pursuant to Section 66272.60 et seq. of Title 22 of the California Code of Regulations when issued an administrative enforcement order pursuant to Section 25187 of the California Health and Safety Code; or as otherwise provided by law.

(b) Unless otherwise provided, any person who has been issued an administrative enforcement order shall be served by personal service or certified mail and shall be informed of the right to a hearing pursuant to the provisions of Section 25187 of the California Health and Safety Code; or as otherwise provided by law.

Ordinance 3846 (2002);

23.0716-19 (Reserved)

Article 2. Underground Storage Tanks CUPA Program Element.

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23.07210	Temporary Closure.
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23.0720 Authority.

California Health and Safety Code Section 25404(c)(3) is enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0721 Definitions.

(a) "Construction of an underground tank system" means to build or manufacture an underground tank system or any part thereof, that does not qualify as a repair or modification of an underground tank system.

(b) "Installation of an underground tank system" occurs when an underground tank is placed in the ground or when an underground tank system is replaced by another underground tank system.

(c) "Modification of an underground tank system" occurs when changes or upgrades are made that alter the tanks, piping, dispensers, sumps, manways or monitoring of an underground tank system through structural additions or deletions.

(d) "Permanent closure by removal of an underground tank system" occurs when an underground tank system has ceased the storage of hazardous substances and the underground tank system will not be used, or is not intended to be used, for storage of hazardous substances, and will be removed.

(e) "Permanent closure in place of an underground tank system" occurs when an underground tank system has ceased the storage of hazardous substances and the underground tank system will not be used, or is not intended to be used, for storage of hazardous substances, and will not be removed.

(f) "Release" means any spilling, overfilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

(g) "Responsible party" means one or more of the following:

(1) any person who owns or operates an underground storage tank used for the storage of any hazardous waste or material;

(2) any person who owned or operated the underground storage tank immediately before the discontinuation of its use, in the case of any underground storage tank no longer in use.

(3) any owner of property where a release of a hazardous waste or material from an underground storage tank has occurred; and

(4) any person who has or had control over an underground storage tank at the time of or following a release of a hazardous waste or material.

(h) "Special Inspectors" means each and all of the following:

(1) a professional engineer registered pursuant to Section 6700, et seq. of the California Business and Professions Code (Division 3), who is qualified to attest to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protections and the mechanical compatibility of the structural elements regarding underground storage tanks.

(2) a professional engineer registered pursuant to Section 6700, et seq. of the California Business and Professions Code (Division 3), who is certified as a cathodic engineer or a corrosion specialist for linings and cathodic protection by the National Association of Cathodic Engineers (N.A.C.E.).

(3) a certified industrial hygienist registered pursuant to Section 20700, et seq. of the California Business and Professions Code, (Division 8), to assure compliance with health and safety issues, appropriate testing and compliance with industry standards.

(4) a person with valid certification issued by the State of California pursuant to Section 20701 of the California Health and Safety Code as appropriate for the types of inspections and oversight directed by the Division, for upgrading underground storage tanks.

(i) "Substantially beneath the surface of the ground" means that at least 10% of the total capacity of the underground tank system is below grade, dug into the earth, or placed in a vault or basement below the general ground surface.

(j) "Tank" means a stationary device designed to contain an accumulation of hazardous substances for any period of time, that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

(1) "aboveground storage tank" is defined in Section 23.0751(a) of this Code.

(2) "underground storage tank" (UST) means any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is totally or substantially beneath the surface of the ground.

(k) "Temporary closure of an underground tank system" means an underground tank system in which the storage of hazardous substances has ceased but the underground tank system is intended to be used for the storage of hazardous substances within the next twelve (12) months.

(l) "Underground tank system" means an underground storage tank, connected piping, ancillary equipment, and containment system, if any.

(m) "Upgrade" means the addition or retrofit of any part of the underground tank system such as cathodic protection, internal lining, secondary containment, spill containment, overfill protection or any other activity designed to achieve compliance with state or federal regulations for containment or monitoring of underground storage tanks.

Ordinance 3846 (2002);

23.0722 CUPA Permit and Fees Required.

(a) Within the County of San Bernardino, no person or entity shall construct, install, own, operate, test, monitor, certify, inspect, modify, repair, replace, remove, upgrade or abandon an underground storage tank of any kind or store hazardous materials/waste underground except with an unexpired, unsuspended, unrevoked CUPA permit issued pursuant to Section 23.0602 of this Code, and plan review and construction permits issued pursuant to Section 23.0603 of this Code.

(b) Pursuant to Section 101490 of the California Health and Safety Code, corrective action oversight services provided by the Division that are not reimbursed through contract with the State Water Resources Control Board shall be reimbursed

directly to the Division by the responsible parties at a rate specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Ordinance 3846 (2002);

23.0723 CUPA UST Installation and Modification Requirements.

The SAN BERNARDINO COUNTY FIRE DEPARTMENT INSTALLATION AND MODIFICATION REQUIREMENTS FOR NEW AND EXISTING UNDERGROUND STORAGE TANKS are to be met by the permittee and are enforced by the CUPA.

Ordinance 3846 (2002);

23.0724 CUPA UST Permit Application and Conditions.

(a) Application for a CUPA permit UST program element shall be made on the standardized form provided by the Division. In addition to the requirements of Section 23.0602 of this Code, all of the requirements of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations shall be met. In addition to the requirements of Section 23.0602(c) of this Code, the following information is required.

- (1) a description of the construction of the underground storage tank.
- (2) a list of all the hazardous materials or hazardous waste that are or will be stored in the underground storage tanks, specifying the hazardous materials or hazardous waste for each underground storage tank.
- (3) a description of the monitoring program for the underground storage tank.
- (4) the name and address of the person, firm, corporation or legal entity which owns the underground storage tank and if different, the name, Dunn & Bradstreet Number, Federal Identification Number, Driver's License Number, Social Security Number, Board of Equalization Number and address of the person who operates the underground storage tank.
- (5) the address of the facility at which the underground storage tanks are located.
- (6) if the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section or office that operates the underground storage tank.

(b) As a condition of any CUPA UST permit, the permittee shall complete an annual report form, which details any changes in the usage of any underground storage tank, including the storage of hazardous materials or hazardous waste, changes in monitoring procedure or a release occurrence.

(c) If a permittee stores a hazardous material or hazardous waste in a underground storage tank which is not listed in the application, the permittee shall apply for a new or amended permit within thirty (30) days after commencing the storage of the hazardous material/waste.

Ordinance 3846 (2002);

23.0725 Inspections.

California Health and Safety Code Section 25280 et seq. (Chapter 6.7), is enforced by the CUPA. In addition to the requirements of Chapter 6.7 of the California Health and Safety Code and Section 23.0609 of this Code, the following is required:

The inspection shall determine:

(a) Whether the UST complies with the design and construction standards of Section 25280 et seq. of the California Health and Safety Code [Underground Storage of Hazardous Substances], Section 2610 et seq. of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations [Underground Tank Regulations], and Sections 23.0723 and 23.0727 of this Code, and

(b) Whether the operator has monitored and tested the UST as required by the CUPA permit.

Ordinance 3846 (2002);

23.0726 Modifying and Terminating CUPA UST Permits.

The Division shall review the permit whenever there has been a release, or when a change in materials stored or the method of monitoring takes place. When it determines that the underground storage tank is not complying with CUPA permit requirements, the Division may modify or terminate the permit. In determining whether to modify or terminate the permit, the Division shall consider:

- (a) The age of the underground storage tank;
- (b) The methods of containment;
- (c) The methods of monitoring;
- (d) The feasibility of and required repairs;
- (e) The concentration of the hazardous material or hazardous waste stored in the underground storage tank;
- (f) The severity of potential releases;
- (g) The suitability of any other long-term preventive measures that would meet the requirements of this article;
- (h) Whether all permit requirements have been met; and
- (i) Whether monitoring and reporting have been properly carried out.

Ordinance 3846 (2002);

23.0727 CUPA Permit to Repair or Upgrade Existing Underground Storage Tanks.

(a) In addition to Section 23.0602 of this Code, pursuant to Section 25299.2 of the California Health and Safety Code, and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and the State Water Resources Control Board Local Guidance (LG) Letters, as now or hereinafter amended, the following information is required when submitting an application for a CUPA permit to repair or upgrade an existing underground storage tank:

- (1) an application to construct, properly completed and signed.
- (2) name and business address of contractor(s) to perform any and all tank work.
- (3) copy of contracts to perform underground storage tank work, proof of

valid contractor's license, proof of workers' compensation insurance, and proof of a Hazardous Substance Certificate issued by the State of California Consumer Affairs Board.

(4) detailed work plan on all aspects of the project including any required blueprints, site safety plans and copies of any other required permits.

(5) documents which demonstrate to the satisfaction of the Division that the underground storage system is structurally sound and that the method of repair or upgrade will prevent releases due to structural failure or corrosion during the operating life of the underground storage tank system.

(b) In addition, the following is required:

(1) prior to upgrading, the owner and/or operator shall submit documents that demonstrate to the satisfaction of the Division that the underground storage tank system has not caused a release. Before soil samples are taken, the Division shall be notified a minimum of five (5) days in advance so that a representative of the Division may be present. A special inspection permit may be required.

(2) prior to upgrade, a preliminary assessment shall be submitted. The Division shall review this report and require a site assessment to be completed. Once the site assessment reports have been received the Division shall grant or deny the upgrade within forty-five (45) days of receipt of the report.

(3) no person shall undertake any repair or upgrade, lining installation, or entry into an underground storage tank for any purpose without employing a Special Inspector. The Special Inspector shall have pre-approved all work plans and site safety plans and shall, at the discretion of the Division, be on site through all phases of the repair or upgrade project.

Ordinance 3846 (2002);

23.0728 Tank Entry Guidelines For Maintenance, Repair, Lining and Bladder Installations.

The SAN BERNARDINO COUNTY FIRE DEPARTMENT TANK ENTRY GUIDELINES FOR MAINTENANCE, REPAIR, LINING AND BLADDER INSTALLATIONS are to be met by the permittee and are enforced by the CUPA.

Ordinance 3846 (2002);

23.0729 Storage Tanks Not in Use.

No person shall abandon, close or remove an underground storage tank, temporarily cease operating an underground storage tank or gather soil and/or water samples for the determination of contamination, except with a CUPA permit.

Ordinance 3846 (2002);

23.07210 Temporary Closure.

(a) An underground storage tank that is temporarily taken out of service, but that the operator intends to return to use, shall continue to be subject to all the CUPA permit, inspection and monitoring requirements.

(b) No person shall temporarily close an underground storage tank unless the person undertakes all of the following actions to comply with CUPA permit requirements:

(1) demonstrates that all residual amounts of the hazardous substances that were stored in the underground storage tank prior to its closure have been removed, properly disposed of and neutralized.

(2) adequately seals the underground storage tank to minimize any threat to public health and safety and the possibility of water intrusion into or runoff from the underground storage tank.

(3) provides for and carries out the maintenance of the underground storage tank for the period of time determined necessary by the Division.

(4) demonstrates through monitoring and testing records that there has been no soil contamination resulting from a discharge in the area surrounding the underground storage tank or facility.

(c) No person shall re-open a temporarily closed tank or tank facility until all requirements of Section 2671(d) of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and applicable Sections of this Code have been met.

Ordinance 3846 (2002);

23.07211 Permanent Closure by Removal.

(a) No person shall remove underground storage tanks or gather soils or groundwater samples to be used for closure or contamination determination without a qualified and authorized representative of the Division present.

(b) Owners or operators of underground storage tanks subject to permanent closure by removal shall comply with applicable provisions of Section 2672(b) of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and with the following requirements:

(1) when an underground storage tank or any part thereof is disposed of, the owner or operator shall document to the Division that proper disposal has been completed. This documentation shall be submitted to the Division within thirty (30) days of the disposal.

(2) an owner or operator of an underground storage tank or any part thereof that is destined for a specific reuse shall provide the following information in writing to the Division within thirty (30) days after removal and before the reuse of such tank or any part thereof:

(A) the names of the new owner and new operator of the underground storage tank;

(B) the location of intended use;

(C) the nature of intended use; and

(D) proof there are no hazardous materials remaining in the tank.

Ordinance 3846 (2002);

23.07212 Permanent Closure in Place.

(a) No person shall close an underground storage tank in place unless it can be demonstrated to the satisfaction of this Division that to remove the underground storage tank would cause excessive structural damage to a structure or structures that are currently inhabitable, or would cause unreasonable risk to life, health, or property.

(1) a Registered Professional Engineer shall certify that the underground storage tank meets the above minimum requirements.

(b) Owners or operators of underground storage tanks subject to permanent closure in place shall comply with all applicable provisions of Section 2672 et seq. of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and with the following requirements:

(1) all liquids, solids or sludges shall be removed and handled as hazardous waste or recyclable materials in accordance with California Health and Safety Code Section 25100 et seq. (Chapter 6.5), and Section 25280 et seq. (Chapter 6.7).

(2) if the underground storage tank contained a hazardous material or hazardous waste that could produce flammable vapors at standard temperature and pressure, it shall be inerted to levels that shall preclude explosion or to lower levels as may be required by the Division.

(3) all piping associated with the underground storage tank shall be removed and disposed of, unless removal might damage structures or other pipes that are being used and that are contained in a common trench, in which case the piping to be closed shall be emptied of all contents and capped.

(4) the underground storage tank, except for piping that is closed in accordance with subsection (3) above, shall be completely filled with an inert solid.

Ordinance 3846 (2002);

23.07213 Sampling Analysis for Closures.

The owner or operator of an underground storage tank being closed pursuant to this Article shall demonstrate to the satisfaction of the Division that no release has occurred. This demonstration shall be based on soil sample analysis and/or water analysis. This analysis shall be performed during or immediately after closure activities. If the demonstration is based on soil sample analysis, soil samples shall be taken and analyzed as follows:

(a) If the underground storage tank or any portion thereof is removed, soil samples shall be taken immediately beneath the removed portions of the tank and at a minimum of two feet into native material at each end of the tank in accordance with Section 2649 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations. A separate sample shall be taken for each twenty (20) lineal feet of trench for piping.

(b) If the underground storage tank or any portion thereof cannot be removed, at least two (2) borings shall be taken as close as possible to the endpoint beneath the tank using a slant boring (mechanical or manual) or other appropriate method, such as vertical borings drilled on each long dimensional side of the tank.

(c) Soils shall be analyzed in accordance with Section 2649 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations for all constituents of the previously stored hazardous materials or hazardous waste and their breakdown or

transformation products. When key constituents that pose a significant threat to water quality or the environment can be identified for analysis, the Division may waive the requirement for analysis of all constituents, breakdown or transformation products.

(d) An original copy of the sample analysis with a Quality Assurance and Quality Control Report in accordance with Section 2650 et seq. of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, shall be sent directly to this Division within sixty (60) calendar days of the sample date.

(e) The detection of any reportable release shall require compliance with Section 2650 et seq. of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and the applicable requirements of Section 23.07214 of this Code.

Ordinance 3846 (2002);

23.07214 Corrective Action Requirements.

(a) Responsible parties for an underground storage tank shall comply with the requirements of this Section whenever there is any release reportable pursuant to Section 25295 of the California Health and Safety Code.

(b) Responsible parties shall conduct investigations of any release, the release site and the surrounding area possibly affected by the release and take corrective action in compliance with the following requirements:

(1) all applicable waste discharge requirements or other order issued pursuant to Section 13000 et seq. of Division 7 of the California Water Code (Porter-Cologne Water Quality Control Act);

(2) all applicable state policies for water quality control adopted pursuant to Section 13140 et seq. of Article 3 of the California Water Code;

(3) all applicable water quality control plans adopted pursuant to Section 13240 et seq. of Article 3 of the California Water Code;

(4) all applicable requirements of Section 25280 et seq. of the California Health and Safety Code, and the regulations of Section 2610 et seq., of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations promulgated thereto; and

(5) all applicable requirements of Section 25299.36 et seq. and Section 25100 et seq. of the California Health and Safety Code, and Section 66001 et seq. of Chapter 10 of Division 4.5 of Title 22 of the California Code of Regulations.

(c) Corrective action includes one or more of the following phases:

(1) Preliminary Site Assessment Phase,

(2) Soil, Air and Water Investigation Phase,

(3) Corrective Action Plan Implementation Phase; and,

(4) Verification Monitoring Phase.

(d) Responsible parties shall take or contract for interim remedial actions, as necessary, to abate or correct the actual or potential effects of a release. Interim remedial actions can occur concurrently with any phase of corrective action. Before taking interim remedial action, responsible parties shall notify the Division of the proposed action and shall comply with any requirements the Division sets. Interim remedial actions include, but are not limited to, the following:

(1) removal of free product;

(2) enhanced biodegradation to promote bacterial decomposition of contaminants;

(3) excavation and disposal of contaminated soil;

(4) vacuum extraction of contaminants from soil or groundwater; and

(5) pumping and treatment of groundwater to remove dissolved contaminants.

(e) The responsible party shall submit a work plan to the Division prior to implementing any portions of its corrective action. The work plan shall include the proposed actions and a proposed schedule for their completion. The responsible party shall modify the work plan, as necessary, at the direction of the Division.

(f) Implementation of the work plan may begin no less than sixty (60) calendar days after submittal, unless the responsible party is otherwise directed by the Division. At least five (5) working days before beginning these activities, the responsible party or its representative shall:

(1) notify the Division of the intent to initiate the proposed actions included in the work plan submitted; and

(2) comply with any conditions set by the Division, including mitigation of adverse consequences from cleanup activities.

(g) The Preliminary Site Assessment Phase includes, at a minimum, initial site investigation, initial abatement actions and initial site characterization in accordance with Sections 2652, 2653, and 2654 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and any interim remedial actions taken in accordance with subsection (d) of this Section. Implementation of any of the interim remedial actions or any of the activities included in the Preliminary Site Assessment shall constitute initiation of corrective action.

(h) The Soil, Air and Water Investigation Phase includes the collection and analysis of data necessary to assess the nature, vertical and lateral extent of the release and to determine effective methods of cleanup. Using information obtained during the investigation, the responsible party shall propose a Corrective Action Plan and submit it to the Division for review and concurrence. The responsible party is required to demonstrate to the Division that the Corrective Action Plan will adequately protect human health and safety and the environment, and will restore or protect current or potential beneficial uses of water. The responsible party shall modify the Corrective Action Plan in response to the directives of the Division.

(i) The Corrective Action Plan Implementation Phase consists of carrying out the alternative selected during the Soil, Air and Water Investigation Phase for remediation or mitigation of the actual or potential adverse effects of the release. Upon concurrence with the Corrective Action Plan or as directed by the Division, the responsible party shall implement, monitor, evaluate and report the results of implementation of the Corrective Action Plan on a schedule agreed to by the Division. The responsible party shall modify or suspend clean-up activities when directed to do so by the Division.

(j) The Verification Monitoring Phase includes all activities required to verify implementation of the Corrective Action Plan and evaluate its effectiveness. The responsible party shall verify completion of the Corrective Action Plan through sampling or other monitoring of soil, air and/or water for such period of time and at intervals agreed to by the Division. Using the monitoring results obtained pursuant to this subsection and any

other relevant data obtained pursuant to this Section, the responsible party shall evaluate the effectiveness of the site work.

(k) The responsible party shall submit monitoring data and an evaluation of the results of such monitoring in writing on a schedule and for a duration agreed to by the Division.

Ordinance 3846 (2002);

23.07215-299 (Reserved)

Ordinance 3846 (2002);

Article 3. Hazardous Material Release Response Plans and Inventories CUPA Program Element.

Sections:

- 23.0730 Authority.
- 23.0731 Definitions.
- 23.0732 Requirements – General.
- 23.0733-39 (Reserved)

23.0730 Authority.

California Health and Safety Code Section 25404(c)(4) (Chapter 6.11), and Section 25500 et seq. (Chapter 6.95), are enforced by the CUPA. In addition, the following definitions and requirements of this Article shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0731 Definitions.

(a) “Business” means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association, and also includes a business organized for profit and a nonprofit business.

(b) “Business Plan” means a separate plan for each facility, site or branch of a business that meets the requirements of Section 25504 of the California Health and Safety Code.

(c) “Handle” means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion.

(d) “Handler” means any business that handles a hazardous material.

(e) “Hazardous material” means any material that, because of its quantity, concentration or physical or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste and any material that a handler or the CUPA has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(f) “Release” means any spilling, overfilling, leaking, pumping, pouring,

emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

Ordinance 3846 (2002);

23.0732 Requirements – General.

(a) A business plan is required of any person, business or entity that handles a hazardous material or a mixture containing a hazardous material, except as specifically exempted in Section 25503.5 of the California Health and Safety Code, if the handler handles:

(1) a total quantity, whether in one container or multiple containers, of any single material at one time during the reporting year that is equal to or greater than a total weight of 500 pounds, a total volume of 55 gallons or 200 cubic feet at standard temperature and pressure for compressed gases, or

(2) a radioactive material in quantities for which an emergency plan is required to be adopted pursuant to Title 10 of the Code of Federal Regulations, or

(3) a Category 1 or Category 2 pesticide in any amount, or

(4) a DOT Class 1 explosive in any amount, or

(5) an extremely hazardous substance listed in Appendix A of Part 355 of Title 40 of the Code of Federal Regulations in quantities at or exceeding the threshold planning quantity, or

(6) material which requires a business plan according to Section 25500 et seq. of the California Health and Safety Code.

(b) Except as provided in Section 25507(b) of the California Health and Safety Code relating to transportation of hazardous materials on a highway, the handler or any employee, authorized representative, agent or designee of a handler shall upon discovery immediately report any release or threatened release of a hazardous material to the CUPA and to the Office of Emergency Services in accordance with the regulations adopted pursuant to Section 25503 of the California Health and Safety Code. Each handler and any employee, authorized representative, agent or designee of a handler shall provide all state, city or county fire or public health or safety personnel and emergency rescue personnel with access to the handler's facilities pursuant to Section 25507 of the California Health and Safety Code.

Ordinance 3846 (2002);

23.0733-39 (Reserved)

Ordinance 3846 (2002);

Article 4. California Accidental Release Prevention (CALARP) Program CUPA Program Element.

Sections:

23.0740 Authority.

23.0741-49 (Reserved)

23.0740 Authority.

California Health and Safety Code Section 25404(c)(5) (Chapter 6.11), and Section 25531 et seq., (Chapter 6.95) are enforced by the CUPA.

Ordinance 3846 (2002);

23.0741-49 (Reserved)

Ordinance 3846 (2002);

Article 5. Above Ground Storage Tanks CUPA Program Element.

Sections:

23.0750 Authority.

23.0751 Definitions.

23.0752-59 (Reserved)

23.0750 Authority.

California Health and Safety Code Section 25404(c)(2) (Chapter 6.11) is enforced by the CUPA. In addition, the following definitions shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0751 Definitions.

(a) "Above Ground Storage Tank" means any aboveground tank or container used for the storage of petroleum.

(b) "Petroleum" means crude oil, or any fraction thereof, that is liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per square inch absolute pressure.

(c) "Release" means any spilling, overfilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

(d) "Spill Prevention, Control and Countermeasure Plan" means a plan which is required to be prepared by each owner or operator of an above-ground storage tank pursuant to the requirements of Section 25270.5(c) of Chapter 6.67 of the California Health and Safety Code in accordance with the guidelines contained in Part 112 of Title 40 of the Code of Federal Regulations.

(e) "Storage" means the containment, handling or treatment of petroleum, for any period of time, including on a temporary basis.

Ordinance 3846 (2002);

23.0752-59 (Reserved)

Ordinance 3846 (2002);

Article 6. Uniform Fire Code Hazardous Material Management Plans and

Inventories CUPA Program Element.

Sections:

23.0760 Authority.
23.0761 Definitions.
23.0762-69 (Reserved)

23.0760 Authority.

California Health and Safety Code Section 25404(c)(6) (Chapter 6.11) is enforced by the CUPA. In addition, the following definitions shall apply to such enforcement and to enforcement of the provisions of this Article.

Ordinance 3846 (2002);

23.0761 Definitions.

(a) "Hazardous Materials Management Plan" or "HMMP" means a plan required by Section 80.103(b) (Article 80) of the Uniform Fire Code which each application for a permit shall include when required by the Chief. A sample HMMP can be found in Appendix II-E of the Uniform Fire Code.

(b) "Hazardous Materials Inventory Statement" or "HMIS" means a plan required by Section 80.103(c) (Article 80) of the Uniform Fire Code which each application for a permit shall include when required by the Chief. A sample HMIS can be found in Appendix II-E of the Uniform Fire Code.

Ordinance 3846 (2002);

23.0762-69 (Reserved)

Ordinance 3846 (2002);